

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Wilhelm MERKENS et al.

Confirmation No.: 2766

Application No.: 10/534,070

Art Unit: 1795

Filed: 05/06/2005

Examiner: John C. Ball

For: PROBE FOR DETERMINATION OF OXYGEN ACTIVITY IN METAL MELTS AND METHODS FOR ITS PRODUCTION

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In the interest of full disclosure, the following items are herewith identified in accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98 for consideration by Examiner. The filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to the patentability as defined in § 1.56(b).

U.S. PATENT DOCUMENTS

U.S. patent documents set forth on the attached PTO form PTO/SB/08a.

FOREIGN PATENT DOCUMENTS

1. German Patent Publication No. 2035882 A1 published February 4, 1971, in German.
An English abstract, description and listing of claims is enclosed.

Information Disclosure Statement
Dated February 10, 2009
Practitioner's Docket No. DN 02-017

2. German Patent Publication No. 2833397 A1 published February 14, 1980, in German. An English abstract, description and listing of claims is enclosed.
3. German Patent Publication No. 3811865 C1 published May 24, 1989, in German. An English abstract is enclosed.
4. European Patent Publication No. 0042086 published May 26, 1981, in German. An English abstract, description and listing of claims is enclosed.
5. Soviet Union Patent Publication No. 1124219 A published November 15, 1984, in Russian. An English abstract is enclosed.
6. Soviet Union Patent Publication No. 441505 A published August 6, 1975, in Russian. An English abstract is enclosed.
7. Japanese Patent Publication No. 56092450 A published July 27, 1981, in Japanese. An English abstract is enclosed.
8. Japanese Patent Publication No. 56100353 A published August 12, 1981, in Japanese. An English abstract is enclosed.
9. Japanese Patent Publication No. 56100354 A published August 12, 1981, in Japanese. An English abstract is enclosed.
10. Japanese Patent Publication No. 58117449 A published July 13, 1983, in Japanese. An English abstract is enclosed.

NON PATENT LITERATURE DOCUMENTS

1. Sauerstoffmeßsonde FOX für Stahlschmelzen. In: Stahl und Eisen 95 (1975) Heft 22
Seite 1084

The requirements specified by MPEP 609C(2) and C.F.R. § 1.98 are considered to have been satisfied.

Accordingly, Applicants request that the above information be considered and made of record by the Examiner in the above-referenced patent application and that a copy of the enclosed Forms PTO/SB/08a and PTO/SB/08b be initialed and returned indicating that such information has been considered.

More than three months have elapsed since the filing of the above-referenced application and a first (non-Final) Official Action has been received. No Final Action or Notice of Allowance has yet been received and it is presumed that none has yet been mailed. Accordingly, applicant elects the option to pay the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

Please charge Deposit Account No. 13-3639 in the amount of \$ 180.00. A duplicate of this request is attached.


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If any additional fees are due, please charge Deposit Account No. 13-3639.

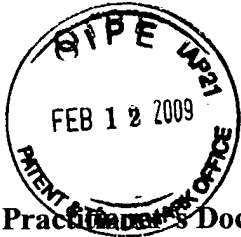
Respectfully submitted,

Date: February 10, 2009

Minerals Technologies Inc.
1 Highland Avenue
Bethlehem, PA 18017
Tel: (610) 861-3466



Derek Jessen, Esq.
Attorney for the Applicants
Reg. No. 48,213



Practitioner's Docket No. DN 02-017

PATENT

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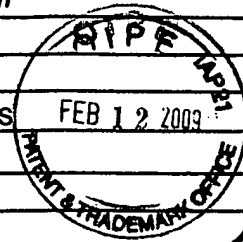


Derek Jessen, Esq.
Attorney for the Applicants
Reg. No. 48,213

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2009☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) \$180**Complete if Known**

Application Number	10/534,070
Filing Date	05/06/2005
First Named Inventor	Wilhelm MERKENS
Examiner Name	John C. Ball
Art Unit	1795
Attorney Docket No.	DN 02-017

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 13-3639 Deposit Account Name: Minerals Technologies Inc

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	330	165	540	270	220	110	
Design	220	110	100	50	140	70	
Plant	220	110	330	165	170	85	
Reissue	330	165	540	270	650	325	
Provisional	220	110	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	52	26
Each independent claim over 3 (including Reissues)	220	110
Multiple dependent claims	390	195

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
- 20 or HP = _____	x _____	= _____		Fee (\$)
				Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP = _____	x _____	= _____	

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Information Disclosure Statement**Fees Paid (\$)**

\$180

SUBMITTED BY

Signature	<u>Derek Jensen</u>	Registration No. (Attorney/Agent) 48,213	Telephone 610.861.3839
Name (Print/Type)	Derek Jensen	Date	<u>February 10, 2009</u>

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

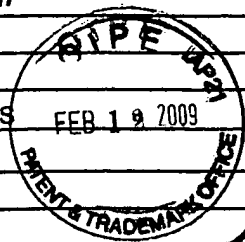
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